

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ROY L. FROST,) CV. NO. 06-00620 DAE BMK
Petitioner,) CR. NO. 02-00117 DAE
vs.)
UNITED STATES OF AMERICA,)
Respondent.)
)
)

SUPPLEMENTAL DECLARATION OF HARLAN Y. KIMURA

I, HARLAN Y. KIMURA, hereby declare as follows:

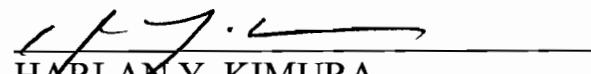
1. That I submit this Supplemental Declaration to clarify Paragraph No. 4 of my Declaration dated February 6, 2007.
2. After my discussion with Mr. Roy L. Forst subsequent to the 6/23/06 Hearing there was no express instruction from him to file a Notice of Appeal with respect to the 17-Month Sentence.
3. If Mr. Forst expressly instructed me to file a Notice of Appeal with respect to the 17-Month Sentence during our discussion after the 6/23/06 Hearing, I would ensure that his appellate rights were protected by either: (a) securing a Replacement CJA Counsel in sufficient time for him or her to file a timely Notice of Appeal; or (b) filing the Notice of Appeal myself and then

EXHIBIT "2"

requesting the Ninth Circuit Court of Appeals permission to withdraw as Mr. Frost's CJA Counsel for the reasons stated in Paragraph No. 4 of my Declaration dated February 6, 2007.

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING IS TRUE AND CORRECT TO THE BEST OF MY
KNOWLEDGE, INFORMATION, AND BELIEF.

DATED at Honolulu, Hawaii, MAR 13 2007.


HARLAN Y. KIMURA